

REMARKS

A telephone discussion between the Examiner and Dennis Smid (one of the applicant's undersigned attorneys) was held on March 15, 2007. The applicant and Mr. Smid wish to thank the Examiner for his time and consideration for such discussion.

Claims 2, 5, 8, and 10-12 have been canceled. Amended claims 1, 3, 4, 6, 7, 9, and 13-15 are in this application.

A final Office Action issued in the present application on January 29, 2007. The following remarks are submitted in response thereto.

Claims 1, 3, 4, 6, 7, 9, and 13-15 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Each of independent claims 1, 4 and 7 (from which claims 3, 6, 9, and 13-15 depend) has been amended herein in the manner discussed during the March 15 discussion. Further, during such discussion, the Examiner indicated that such changes overcome the 112 first paragraph rejection. Accordingly, it is respectfully requested that the above 112 first paragraph rejection be withdrawn.

Claims 1, 3, 4, 6, 7, 9, and 13-15 were rejected under 35 U.S.C. 112, second paragraph.

Each of independent claims 1, 4 and 7 (from which claims 3, 6, 9, and 13-15 depend) as presented herein is believed to overcome the above 112 second paragraph rejection. Accordingly, it is respectfully requested that the above 112 second paragraph rejection be withdrawn.

Claims 1, 4 and 7 were rejected under 35 U.S.C. 102(b)

as being anticipated by WIPO Patent Application Publication No. WO 00/52684 to Kihara et al. In discussing this rejection, the Examiner referred to U.S. Patent No. 7,155,013 (Kihara).

Amended independent claim 1 recites in part the following:

"a judging unit operable to judge:(i) whether said received data conforms to a IEC60958 standard so as to be audio data, (ii) whether said received data is the encrypted data, and (iii) when said received data is the encrypted data, whether said encrypted data has been properly decoded;" (Emphasis added.)

In explaining the above 102 rejection with regard to claim 1, the Examiner appears to rely on lines 26-38 of column 32 of Kihara to disclose the above feature. It is respectfully submitted that such portion of Kihara does not appear to specifically disclose the above identified feature of claim 1. That is, such portion of Kihara does not appear to specifically disclose judging "whether said received data conforms to a IEC60958 standard so as to be audio data" as in claim 1.

Accordingly, it is respectfully submitted that claim 1 is distinguishable from Kihara as applied by the Examiner.

For reasons similar to or somewhat similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claims 4 and 7 are distinguishable from Kihara as applied by the Examiner.

Claims 3, 6, 9, and 13-15 were rejected under 35 U.S.C. 103(a) as obvious over WIPO Patent Application Publication No. WO 00/52684 to Kihara et al.

Claims 3, 6, 9, and 13-15 are dependent from one of independent claims 1, 4, and 7. Accordingly, it is also respectfully submitted that dependent claims 3, 6, 9, and 13-15 are distinguishable from Kihara as applied by the Examiner for

at least the reasons previously described.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections and/or rejections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 29, 2007

Respectfully submitted,

By 
Dennis M. Smid

Registration No.: 34,930
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant